

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JEFFREY DESKOVIC,

Plaintiff,

v.

**CITY OF PEEKSKILL, PUTNAM COUNTY,
WESTCHESTER COUNTY, DAVID LEVINE,
THOMAS MCINTYRE, WALTER
BROVARSKI, EUGENE TUMOLO, JOHN
AND JANE DOE SUPERVISORS, DANIEL
STEPHENS, LOUIS ROH, MILLARD
HYLAND, PETER INSERO, and LEGAL AID
SOCIETY OF WESTCHESTER COUNTY**

No. 07-CV-8150 (KMK)(GAY)

Defendants.

LINDA MCGARR,

Plaintiff,

v.

**CITY OF PEEKSKILL,
WESTCHESTER COUNTY, DAVID LEVINE,
THOMAS MCINTYRE, WALTER
BROVARSKI, EUGENE TUMOLO, JOHN
AND JANE DOE SUPERVISORS, DANIEL
STEPHENS, LOUIS ROH, and MILLARD
HYLAND,**

No. 07-CV-9488 (KMK)(GAY)

Defendants.

CITY OF PEEKSKILL

Third-Party Plaintiff,

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USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: _____
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vs.

**WESTPORT INSURANCE COMPANY as
successor-in-interest to NORTH RIVER
INSURANCE COMPANY,**

NORTH RIVER INSURANCE COMPANY,

**TIG INSURANCE COMPANY as a
successor-in-interest to INTERNATIONAL
INSURANCE COMPANY,**

**WESTPORT INSURANCE COMPANY as a
successor-in-interest to INTERNATIONAL
INSURANCE COMPANY,**

**UNDERWRITERS AT LLOYD'S, LONDON,
CX REINUSRANCE COMPANY LIMITED as
successor-in-interest to CNA INTERNATIONAL
REINSURANCE COMPANY,**

**CX REINSURANCE COMPANY LIMITED
As successor-in-interest to CAN REINSURANCE
OF LONDON, LIMITED,**

SPHERE DRAKE INSURANCE PLC,

ILLINOIS UNION INSURANCE COMPANY,

**UNITED NATIONAL INSURANCE
COMPANY,**

**TRAVELERS INDEMNITY COMPANY as
successor-in-interest to GULF INSURANCE
COMPANY,**

**AMERICAN MOTORISTS INSURANCE
COMPANY as successor-in-interest to
AMERICAN PROTECTION INSURANCE
COMPANY,**

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**AMERICAN MOTORISTS INSURANCE
COMPANY as successor-in-interest to
SPECIALTY NATIONAL INSURANCE
COMPANY,**


HARCO NATIONAL INSURANCE COMPANY,

**ILLINOIS NATIONAL INSURANCE
COMPANY, and**

**MARKEL AMERICAN INSURANCE
COMPANY,**

Third-Party Defendants.

 **[Proposed] ORDER**



The Court has conferred with the Parties about settlement discussions, and it appears that there is a possibility that Plaintiffs' remaining claims against Defendants City of Peekskill, David Levine, Thomas McIntyre and Eugene Tumolo can be resolved through mediation.

IT IS THEREFORE ORDERED that Plaintiffs Jeffrey Deskovic and Linda McGarr, Defendants City of Peekskill, David Levine, Thomas McIntyre and Eugene Tumolo, and Third-Party Defendants Gulf Insurance Company (Travelers Indemnity Company); Harco National Insurance Company (IAT Reinsurance Company Ltd.); Illinois Union Insurance Company (ACE USA); American Protection Insurance Company/American Motorist Insurance Company (Kemper); National Union Fire Insurance Company of Pittsburgh, PA (AIG); North River Insurance Company ; Underwriters at Lloyd's London; United National Insurance Company; CNA Reinsurance of London, Ltd., shall be represented in person at a mediation to take place at

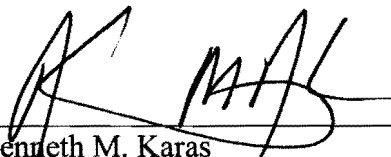
a mutually agreed upon date by the parties, by representatives having full authority to resolve any and all claims and issues.¹

IT IS FURTHER ORDERED that counsel for Defendants shall immediately notify the above-named Third-Party Defendants of the entry of this Order.

IT IS FURTHER ORDERED that the above-captioned actions are hereby stayed as against Defendants Peekskill, Levine, McIntyre and Tumolo pending the outcome of the mediation or for a period of two months from the date of this Order, whichever event shall occur first. At the end of the stay, Plaintiffs shall inform the Court of the result of the mediation, and, if it was not successful, the Court will schedule a conference to address the timing of Plaintiffs' oppositions to the motions for summary judgment filed by Defendants Peekskill, Levine, McIntyre and Tumolo, as well as Defendants' replies.

SO ORDERED.

DATED: White Plains, New York
September 19, 2011



Kenneth M. Karas
United States District Judge

¹ The parties understand that for a settlement to be finally approved by the City of Peekskill, it will have to be approved by the Peekskill City Council subsequent to the mediation.